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THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM HORY COUNTY
Court of Master-In-Equity
Judge Cynthia Howe, Master-In-Equity

RECEIVED
AUG 17 2018
SC Court of Appeals

M&T BANK,

CA.NO: 2011-CP-26-01809

Plaintiff,

v.

Tyrone Davis; Bobby J. Bellamy; BC
Fund and Management, LLC d/b/a BC
FUND, LLC;

Defendant(s).

NOTICE OF APPEAL IN A MASTER-IN-EQUITY CASE

Bobby J. Bellamy,

Third Party Plaintiff

v.

William O. Smith

Third Party Defendant

August 15, 2018

FILED
HORY COUNTY
2018 AUG 16 AM 10:25
RENEEN ELVIS
CLERK OF COURT
HORY COUNTY, SC

Pursuant to Rule 56, the above-entitled matter, Bobby J. Bellamy Appeals the Order and Judgement of the Honorable Judge Cynthia Howe, Master-In-Equity. **The Master's Order and Judgement of Foreclosure and Sale.** The Appellant Bobby Bellamy requests an order from the South Carolina Court of Appeals to review each point contained in the Order and Judgement made by the Master-Equity on the ruling to the order, based on facts of law. On appeal, the appellate court shall apply the same Rule 56 standard that applies in the trial court. Woodson, citing Quail Hill, LLC v. Cnty. of Richland, 387 S.C. 223, 234, 692 S.E.2d 499, 505 (2010). A one-sentence order forces the appellate court to decide for itself whether there are genuine issues of material fact and whether the Plaintiff, M&T Bank is entitled to Judgment as a matter of law.

When reviewing the grant of a summary judgment, the South Carolina Appellant Court applies the same standard that governed the trial court; summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a

matter of law. **Fleming v. Rose**, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002); see also Rule 56(c), SCRCP. "On appeal from an order granting summary judgment, the appellate court will review all ambiguities, conclusions, and inferences arising in and from the evidence in a light most favorable to the appellant, the non-moving party below." **Willis v. Wu**, 362 S.C. 146, 151, 607 S.E.2d 63, 65 (2004).

Defendant received written notice of entry of this order on July 23, 2018.

Counsel of Record

Cliff Moore, III Adams and Reese LLP
1501 Main Street 5th Floor
Columbia S.C 29201 803 254-4190

John B. Kelchner
Hutchens Law Firm
P.O. Box 8237
Columbia, SC 29202 803 726-2700

Daniel J Orvin,
Womble Bond Dickson LLP
5 exchange Street
Charleston, South Carolina 29401 843 722-3400

* *Bobby J. Bellamy*

Bobby J. Bellamy, Attorney Pro se
3664 Sea Mountain Highway
Little River, SC 29566 843 457-3625

Howell V. Bellamy, Jr.
Howell V. Bellamy, III
Bellamy, Rutenburg, Copeland, Epps
1000 29th Ave N.
Myrtle Beach, S.C. 29577 843 448-2400

Kelli Latta

8/15/18

expire: August 24, 2027



STATE OF SOUTH CAROLINA
COUNTY OF HORRY
M&T BANK,

Plaintiff,

v.

Tyrone Davis; Bobby J. Bellamy; BC
Fund and Management, LLC d/b/a BC
FUND, LLC;

Defendant(s).

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

CA.NO: 2011-CP-26-01809

20 18 LP26 996

Bobby J. Bellamy,

Third Party Plaintiff

v.

William O. Smith

Third Party Defendant

HORRY COUNTY
2018 AUG 16 AM 10:33
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

August 15, 2018

NOTICE OF LIS PENDENS AND NOTICE OF ACTION PENDING

To the Clerk of Court of Horry County:

PLEASE TAKE NOTICE THAT Defendant, Bobby J. Bellamy has filed an appeal with the South Carolina Court of Appeals in action to appeal the **Master-In-Equity's Order and Judgement of Foreclosure and Sale.**

1. You are hereby notified on this 15TH day of August 2018, suit was instituted by the undersigned in the above captioned and styled cause in the South Carolina Court of Appeals Pursuant to Code of Civil Procedure Section 405.20 provides that a party to an "action" who asserts a real property claim may record a **Notice of Lis Pendens.**
2. The following described real estate situated in Horry County, South Carolina is involved in said suit, to wit: The Defendant brings this action to confirm title, remove clouds from

title and to compel M&T Bank to convey legal title to the above described mineral interest based on the fact that M&T BANK HAVE UNLAWFULLY TAKEN TITLE BY REFORMATION OF MORTGAGE DEED OF DEFENDANT'S PROPERTY.

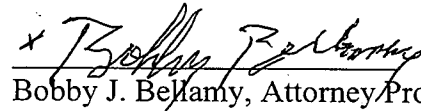
defendant seek to protest his property as owner of property known as 3664 Sea Mountain Highway, Little River, South Carolina and legal described as:

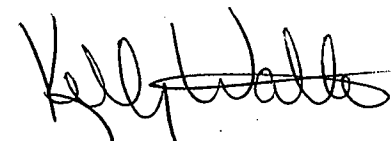
Legal description and property address:

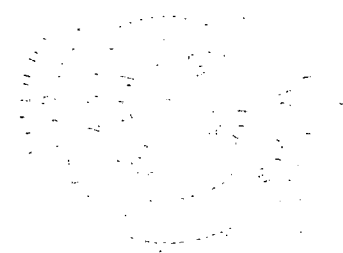
ALL THAT certain piece, parcel or tract of land situate, lying and being in Little River Township, County of Horry, State of South Carolina, being more particularly shown and designated on the west side of Sea Mountain Highway near Nixon's Crossroads, containing 3.39 acres more or less. Staring at a stake on the corner of Sea Mountain Highway and bounded on the South by Tract B, owned by Tommy J. Bellamy, on the west by North Pointe Development, on the North by Tract D owned by Linda B. Nichols, on the East by Sea Mountain Highway.

August 15, 2018

Respectfully Submitted,


Bobby J. Bellamy, Attorney Pro se

 8/15/18
Expire: August 24, 2027



THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORY COUNTY

Court of Master-In-Equity

Judge Cynthia Howe, Master-In-Equity

Bobby Bellamy,

CA.NO: 2011-CP-26-01/809

Appellant

v.

M&T Bank,
Scott Umstead,
Tyrone Davis, William O. Smith,
< BC Fund and Management LLC DBA BC FUND, LLC;

Respondent

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on August 15, 2018 addresses to his attorney of record, Cliff Moore, III Adams and Reese LLP, 1501 Main Street 5th Floor, Columbia, S.C. 29201.

I certify that I have served the Notice of Appeal on M&T Bank by depositing a copy of it in the United States Mail, postage prepaid, on August 15, 2018 addresses to his attorney of record, John B. Kelchner, Hutchens Law Firm P.O. Box 8237, Columbia, S.C. 29202.

I certify that I have served the Notice of Appeal on Tyrone Davis by depositing a copy of it in the United States Mail, postage prepaid, on August 15, 2018 addresses to his attorney of record, Daniel J. Orvin, Womble Bond Dickson LLP, 5 Exchange St. Charleston, S.C. 29401

I certify that I have served the Notice of Appeal on Scott Umstead, William O. Smith, BC Fund and Management LLC DBA BC Fund LLC. August 15, addressed to attorney Scott Umstead 4226 Mayfair St. #100 Myrtle Beach, S.C. 29577.

CLERK OF COURT
HORY COUNTY, S.C.
2018 AUG 16 AM 10:28
HORY COUNTY

8/15/18
Kelly White
expire: August 24, 2027

* Bobby Bellamy
Bobby J. Bellamy, Attorney Pro se

3664 Sea Mountain Highway,
Little River, S.C. 29566

August 15, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: M&T Bank etal, Respondent vs Bobby J. Bellamy, Appellant

FILED
HURRY COUNTY
2018 AUG 16 AM 10:25
REBEH A. ELVIS
CLERK OF COURT
HURRY COUNTY, SC

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

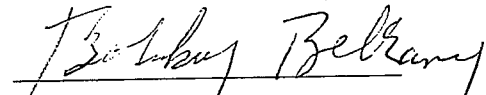
- (1) Proof of service of the Notice of Appeal on the Respondent(s)
- (2) A copy of the Master's Order and Judgement of Foreclosure and Sale
- (3) Order denying the Motion To Reconsider dated July 23, 2018
- (4) A filing fee of \$100.00

RECEIVED

AUG 17 2018

SC Court of Appeals

Sincerely,



Bobby J. Bellamy, **Pro se Appellant**
3664 Sea Mountain Highway,
Little River, South Carolina 29566
843 457- 3625

Attorney for Respondent

Cliff Moore, III Adams and Reese LLP
1501 Main Street 5th Floor
Columbia S.C 29201 803 254-4190

John B. Kelchner
Hutchens Law Firm
P.O. Box 8237
Columbia, SC 29202 803 726-2700

Daniel J Orvin
Womble Bond Dickson LLP
5 exchange Street
Charleston, South Carolina 29401

843 772-3400

664 Sea Mountain Highway
Little River, SC

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL
7018 0680 0000 5317 3056



U.S. POSTAGE
PAID
LITTLE RIVER, SC
29566
AUG 18 18
AMOUNT
\$8.46
R2304H107604-04

RETURN RECEIPT
REQUESTED

RECEIVED
AUG 17 2018
SC Court of Appeals

Jenny Abbott Kitchings, SC Court of Appeals
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

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